

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

T. Terance Bryan, # 254638,)	CIVIL ACTION NO. 9:13-1826-TLW-BM
)	
Plaintiff,)	
)	
v.)	SUPPLEMENTAL
)	REPORT AND RECOMMENDATION¹
)	
Bristol-Myers Squibb Company,)	
)	
Defendant.)	
_____)	

This prisoner action was originally filed in New Jersey state court, and was subsequently removed by the Defendant to the United States District Court for the District of New Jersey on the basis of diversity jurisdiction. See Court Docket No. 1. On June 28, 2013, this case was transferred to the District of South Carolina. See Court Docket No. 50.

On September 6, 2013, an Order was mailed to Plaintiff. However, Plaintiff's copy of the Court's Order was returned to the Clerk of Court on September 24, 2013, with the envelope being marked "Return to sender, refused, unable to forward". The Clerk then re-mailed the envelope on September 25, 2013 and it was again returned on October 21, 2013 with the envelope marked "Refused Mail". On September 10, 2013 a Report and Recommendation was mailed to the Plaintiff. That document was returned to the Clerk's Office on October 1, 2013, with the envelope being marked "Return to Sender, Refused".

As a frequent filer of pro se litigation in this Court, Plaintiff is well aware that he is

¹There is currently another Report and Recommendation pending before the Court. See Court Docket No. 89. If this Supplemental Report and Recommendation is adopted, the previous Report and Recommendation will be moot.



required to maintain a mailing address where he can be contacted, and that if his address changes, he is to notify the Clerk. This requirement is to ensure that Plaintiff can be contacted and receive orders or other matters from the Court or other parties. However, mailings to the Plaintiff at his only known address are being returned unclaimed. Therefore, Plaintiff has failed to comply with this contact requirement, and as a result neither the Court nor the Defendants have any means of contacting him concerning his case.

Based on the foregoing, it is recommended that this action be **dismissed, with prejudice**, in accordance with Rule 41(b), Fed.R.Civ.P. **The Clerk shall mail this Report and Recommendation to Plaintiff at his last known address. If the Plaintiff notifies the Court within the time set forth for filing objections to this Report and Recommendation that he wishes to continue with this case and provides a current address where he can receive his mailings, the Clerk is directed to vacate this Report and Recommendation and return this file to the undersigned for further handling.** If, however, no objections are filed, the Clerk shall forward this Report and Recommendation to the District Judge for disposition.

The parties are also referred to the Notice Page attached hereto.



Bristow Marchant
United States Magistrate Judge

October 23, 2013
Charleston, South Carolina



Notice of Right to File Objections to Report and Recommendation

The parties are advised that they may file specific written objections to this Report and Recommendation with the District Judge. Objections must specifically identify the portions of the Report and Recommendation to which objections are made and the basis for such objections. “[I]n the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

Specific written objections must be filed within fourteen (14) days of the date of service of this Report and Recommendation. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); *see* Fed. R. Civ. P. 6(a), (d). Filing by mail pursuant to Federal Rule of Civil Procedure 5 may be accomplished by mailing objections to:

Robin L. Blume, Clerk
United States District Court
Post Office Box 835
Charleston, South Carolina 29402

Failure to timely file specific written objections to this Report and Recommendation will result in waiver of the right to appeal from a judgment of the District Court based upon such Recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).